

Michigan Department of Transportation
REQUEST FOR QUALIFICATIONS
FOR
CONSTRUCTION “SPECIALTY” SERVICES
DISPUTE REVIEW BOARD (DRB)

LOCATION:

Project locations across the state of Michigan.

SERVICE DESCRIPTION:

To expand the prequalified application pool of candidates for MDOT’s Dispute Review Board (DRB) process. Using MDOT’s current claim process, a contractor claim can have up to two official levels of review after issuance of an engineer decision.

The first review is the Region Office Review (ROR) that typically takes place after a project has been completed or all work related to a particular claim issue is complete. This ensures that all issues can be addressed at one time. The panel for a ROR is generally comprised of three (3) experienced MDOT staff members from within the MDOT Region where the project is located.

After the ROR, the contractor can request a Central Office Review (COR) be held in Lansing with three (3) manager level staff from other regions. The DRB special provision refines the current claims process by eliminating the ROR and COR meetings.

Unlike the ROR and COR, the DRB process would be initiated shortly after the Engineer’s denial of the claim so the entitlement of a claim can be addressed in a timelier manner. These changes have reduced the amount of time that it currently takes to arrive at a final claim disposition.

The DRB process reduces the amount of MDOT staff time and costs that are required to reach a final claim disposition beyond the project level. The primary reason for the savings in MDOT staff time is that the three member ROR and COR panels are replaced by an independent panel of three experts in the transportation construction field. Two of the DRB panel members would be independently selected by MDOT and the contractor. These nominees have to be agreed upon by both parties from a pool of prequalified candidates. Whereas, the third member would be selected by the two panel members from the same prequalified pool of candidates and this person serves as the chair of the project DRB panel.

The cost for the DRB panel is shared equally between MDOT and the contractor. The lump sum compensation rates are considered full and complete compensation to the DRB panel members for all expenses (preparatory time, meeting time, travel, lodging, documentation production, etc.) related to hearings or meetings.

Key Dates:

- Ongoing Continued acceptance of candidate qualifications.
- Ongoing Continued notification provided to accepted candidates.
- May 14, 2015 Dispute Resolution Board Foundation (DRBF) Training in Lansing, MI (a half-day training session at the Aeronautics Auditorium), **attendance by MDOT invite only**.
- May 15, 2015 Candidates who have completed training are available for panel selection.

Candidates interested in attending the May 14, 2015 DRBF training must contact the MDOT Project Manager for approval to attend.

Applicants may submit qualifications to become DRB panel candidates at any time. This request for qualifications does not have a closure date; therefore applications may be continuously submitted.

PRIMARY PREQUALIFICATION CLASSIFICATION:

Not Applicable

SECONDARY PREQUALIFICATION CLASSIFICATION:

Not Applicable

MDOT PROJECT MANAGER:

R. Jason Clark, P.E.
8885 Ricks Rd
PO Box 30049
Lansing, MI 48909
517-242-6378 (phone)
Preferred contact is email at: ClarkJ25@michigan.gov

Potential and approved candidates may be contacted by the MDOT Project Manager while being evaluated for inclusion in the applicant pool to clarify submitted information.

BACKGROUND INFORMATION:

MDOT began the implementation of a DRB process on select construction projects beginning in 2013. The DRB process has been successfully used by other state DOT's throughout the country to efficiently and effectively address contractor claims. MDOT is continuing to pilot and expand the DRB process to reduce the amount of time, resources, and costs that it currently takes to arrive at a final claim disposition beyond the project level.

QUALIFICATION REQUIREMENTS:

MDOT is looking for DRB panel candidates with substantial experience in or directly related to highway and bridge construction projects with or on behalf of federal, state, or local government agencies, particularly MDOT or other Departments of Transportation.

Experience shall be a minimum of 10 years in active involvement, supervision, or management of public agency highway and bridge construction contracts with a preferable emphasis in resolution of disputes arising out of said contracts. In order to be approved as a potential DRB panel candidate, a person must have attended the Dispute Resolution Board Foundation's (DRBF) Administration and Practices Workshop (<http://drb.org/Training.htm>), an MDOT hosted DRB training session, or must attend the session of this training to be facilitated by MDOT on May 14, 2015. Please note that a registration fee of **\$175.00** must be charged to cover a portion of the training costs. Applicants that miss the scheduled training in Michigan are required to obtain the training by contacting the DRBF directly (<http://www.drb.org/>). Applicants that do not have nor obtain the required training will not be approved to serve as a DRB panel member. However these applicants will be listed on the pool candidate sheet with a "No" in the training column as a placeholder until they successfully complete the required training.

The DRB application and the contract (required if selected to serve as a DRB panel member); both contain Conflict of Interest language and requirements. DRB applicants will be required to provide a conflict of interest statement and a disclosure statement describing past, present, anticipated, and planned relationships, including indirect relationships through their present employer, to other parties involved in a construction project if selected to serve as an actual DRB panel member. Disclosure of any close professional or personal relationships with all key members of the project is also required. This disclosure and conflict of interest information will be required prior to being approved to serve on a DRB panel for any construction project.

All applicants must complete and submit their application and state their specific training and experience that qualifies them to serve as a DRB candidate. A current resume must be submitted in addition to the application. **Candidates are to submit their applications electronically to the Project Manager.** Electronic confirmation of receipt will be provided. The Candidate Application document will be electronically provided to interested parties by contacting the project manager.

If you are approved to be a DRB panel candidate; your name, address, phone number, and email address will be included on the MDOT approved DRB panel candidate website for all interested parties to view, unless you specifically request that it be provided by request only.

The website address is:

http://www.michigan.gov/documents/mdot/MDOT_DRB_Candidate_List_417462_7.pdf?20150302153112

If your application is denied you may contact the MDOT Project Manager to discuss why your application was denied. Appeals of denied applications will be reviewed and processed by the Bureau Director of Field Services. The MDOT Project Manager will facilitate the appeal request and process.

Questions are to be directed to the MDOT Project Manager.

GENERAL INFORMATION:

The services described herein are financed with public funds. The candidate shall comply with all applicable Federal and State laws, rules, and regulations.

If selected to serve on a project DRB panel, the candidate will be required to sign an agreement between MDOT, the Contractor, and the other two panel members.

The candidate agrees to demonstrate knowledge of, and performance in compliance with MDOT's standard construction practices; the project construction contract, proposal, and plans; MDOT's Standard Specifications for Construction and all applicable publications referenced within; MDOT's Construction Manual; the Materials Source Guide; the Materials Quality Assurance Procedures Manual; the Density Control Handbook; and any and all other references, guidelines, and procedures manuals needed to carry out the work described herein in an appropriate manner.

If applicable, the candidate shall perform field operations in accordance with MDOT's Personal Protective Equipment (PPE) Policy as stated in the MDOT Guidance Document #10118. A current copy of MDOT's PPE Policy is available on the Bulletin Board System. The candidate shall perform field operations in accordance with MIOSHA regulations and accepted safety practices.

Current DRB operating procedures can be found here:

http://www.michigan.gov/documents/mdot/MDOT_DRB_Procedures_399279_7.pdf?20150302160316

Current DRB special provision can be found here:

<http://mdotcf.state.mi.us/public/specprov/index.cfm?sy=439690#461e0780-b769-4b2d-9b8f-68a39087d77b>

PAYMENT TYPE:

There will be no compensation provided for attendance at any training sessions.

Compensation for service as an actual DRB panel member has been established at a lump sum amount and will be provided by the prime contractor of the respective construction contract. Details can be found in the operating procedures and the Dispute Review Board special provision.

CONSULTANT PAYMENT – Lump Sum:

Compensation for this project shall be on a **lump sum** basis. One lump sum payment will be made once the deliverable is received and approved by the MDOT Project Manager. The MDOT Project Manager may authorize partial payment if the project is delayed due to circumstances beyond the consultant's control.

All billings for services must be directed to the Department and follow the current guidelines. Payment may be delayed or decreased if the instructions are not followed.

Payment to the Consultant for services rendered shall not exceed the maximum amount unless an increase is approved in accordance with the contract with the Consultant. Typically, billings must be submitted within 60 days after the completion of services. Refer to your contract for your specific contract terms.